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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the Suspension)	
or Revocation of the License of)	Administrative Action
BURTON S. ROSEN, D.D.S.)	ORDER
To Practice Dentistry in the)	
State of New Jersey)	

This matter was opened to the State Board of Dentistry ("Board") on a Notice of Motion for Enforcement of Litigant's Rights and Suspension of License filed by Robert J. Del Tufo, Attorney General of New Jersey, by Anne Marie Kelly, Deputy Attorney General. Said application was supported by the affidavit of Agnes M. Clarke, Executive Director of the Board of Dentistry, alleging that respondent failed to comply with the terms and conditions of a Final Decision and Order entered by the Board on October 6, 1992 in that respondent failed to pay a civil penalty in the amount of \$3,500.00 which was due and payable to the Board no later than November 1, 1992. Respondent did not file any written response to the Motion.

Respondent appeared pro se on the return date of the Notice of Motion at a hearing held before the Board on May 5, 1993. Anne Marie Kelly, D.A.G., appeared on behalf of the State. Respondent was advised of his right to be represented by counsel in the proceeding, but he indicated to the Board his intention to go forward without counsel. Respondent did not contest the allegations set forth in the State's application and acknowledged

that he failed to pay the civil penalty in the amount of \$3,500.00. In addition, respondent acknowledged and agreed that he would make restitution to a patient named Sandra Degler in the amount of \$2,480.00 and restitution to another patient named Aniello Mercaldo in the amount of \$766.00.

The respondent testified that the only reason he has failed to meet these financial responsibilities has been past problems with the Internal Revenue Service. As a result of levies placed on his assets by the I.R.S., respondent was unable to meet his obligations. However, he testified that things were now under control and that he saw no problem in making these payments by May 31, 1993.

The Board deliberated on this matter during Executive Session and announced its decision in Public Session on the same date.

The Board having considered the entire record in this matter including the testimony of the respondent and for good cause shown,

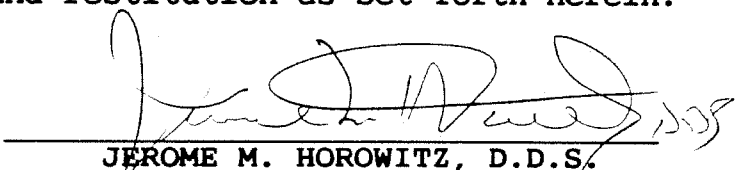
IT IS ON THIS 26th DAY OF May, 1993,
ORDERED:

1. An additional civil penalty in the amount of \$1,000.00 shall be imposed upon the respondent for failure to comply with the terms and conditions of the Final Decision and Order filed on October 6, 1992. Therefore, respondent's total assessment for civil penalty shall be in the amount \$4,500.00.

2. Respondent shall make restitution to patient Sandra Degler in the amount of \$2,480.00, and respondent shall make

restitution to patient Aniello Mercaldo in the amount of \$766.00.

3. The civil penalty and the restitution for each patient shall be submitted by certified check or money order to the Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than 12:00 noon on June 1, 1993. The civil penalty shall be made payable to the State of New Jersey and each restitution check shall be made payable in each patient's name. In the event respondent fails to make said payments by the date and time due, his license to practice dentistry in the State of New Jersey shall be automatically suspended effective 12:00 noon on June 1, 1993 and shall remain suspended until respondent makes the payments as required by the within Order. Respondent shall immediately thereafter surrender his dentistry license, registration certificate, and DEA/CDS registrations to the Board's designee who shall appear at the dental offices of the respondent for the purpose of retrieving said credentials. Such suspension shall be terminated upon payment of the civil penalty and restitution as set forth herein.



JEROME M. HOROWITZ, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY